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UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT
11
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA
13 WESTERN DIVISION

14 IN RE MATTER OF CERTAIN
CIVIL FORFEITURE PROCEEDINGS

CR. Misc. No. 2:23-cm-00227

15 **EX PARTE APPLICATION TO EXTEND**
16 **CAFRA DEADLINE**

17 [PROPOSED]
18 ORDER LODGED HEREIN
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20

21 Pursuant to 18 U.S.C. § 983(a)(3)(A), plaintiff United
22 States of America (the "government") respectfully applies to
23 this Court for an order extending to February 29, 2024, the time
24 in which the United States is required to initiate judicial
25 forfeiture proceedings against assets now within the custody of
26 the United States that are described in Attachment "A" ("the
27 Subject Assets").
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1 In support of its stipulated motion, the United States
2 respectfully states as follows:

3 The United States, through either the United States Drug
4 Enforcement Administration ("DEA") or United States Customs and
5 Border Protection ("CBP"), has seized and commenced
6 administrative forfeiture proceedings against the Subject
7 Assets.

8 In the course of those administrative forfeiture
9 proceedings, either DEA or CBP sent written notice of its intent
10 to forfeit each of the Subject Assets to all known persons that
11 may have an interest in each of the Subject Assets, as required
12 by Title 18, United States Code, Section 983(a)(1)(A).

13 Between approximately September 8, 2023 and September 13,
14 2023, Adriana Jones ("Administrative Claimant") filed claims
15 against the Subject Assets in administrative forfeiture
16 proceedings that either DEA or CBP has commenced against each of
17 the respective Subject Assets. The United States did not know
18 any of the Administrative Claimants to have an interest, or
19 purported interest, in any of the Subject Assets before the
20 Administrative Claimants filed their claims.

21 The United States understands that the Administrative
22 Claimants assert claims as to each of the Subject Assets based
23 on:
24

25 (1) A judgment Administrative Claimants obtained against
26 the Juarez Cartel in the District of North Dakota (D.N.D. 1:20-
27 cv-00132) after members of the Juarez Cartel ambushed and killed
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1 nine United States citizens in Mexico and injured several
2 others;

3 (2) An assertion that the Terrorism Risk Insurance Act
4 ("TRIA"), Title 28, United States Code, Section 1610 gives the
5 Administrative Claimants a right to execute their judgment
6 against assets of the Juarez Cartel; and

7 (3) A claim that each of the Subject Assets is such an
8 asset of the Juarez Cartel that is subject to execution or
9 attachment under TRIA.

10 In addition to the claims Administrative Claimant has filed
11 against the Subject Assets in this District, Administrative
12 Claimant has filed hundreds of additional claims—totaling
13 approximately 780 claims—as to assets that the United States has
14 seized in various parts of the country on this same basis.

15 No other party filed a claim as to any of the Subject
16 Assets in the respective administrative forfeiture matters
17 pertaining to each of the Subject Assets, and, under Title 18,
18 United States Code, Section 983(a)(2)(A)-(E), the time for any
19 person to do so has expired.

20 After a claim was filed in the administrative proceeding
21 against each of the Subject Assets, the seizing agency, either
22 DEA or CBP, transmitted that claim to the United States
23 Attorney's Office for the purpose of initiating a judicial
24 forfeiture action against each of the respective Subject Assets.

25 Title 18, United States Code, Section 983(a)(3) provides:
26 Not later than 90 days after a claim has been filed, the
27 Government shall file a complaint for forfeiture in the manner
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1 set forth in the Supplemental Rules for Certain Admiralty and
2 Maritime Claims or return the property pending the filing of a
3 complaint, except that a court in the district in which the
4 complaint will be filed may extend the period for filing a
5 complaint for good cause shown or upon agreement of the parties.
6 18 U.S.C. § 983(a)(3).

7 The 90-day deadlines for filing a timely civil forfeiture
8 complaint against the various Subject Assets that have been
9 referred to the United States Attorney's Office for this
10 judicial district range from on or about December 7, 2023 to on
11 or about December 12, 2023.

12 The United States Attorney's Office is currently evaluating
13 the factual and legal bases for (a) its potential civil
14 forfeiture complaints and (b) Administrative Claimant's claims
15 as to each of the Subject Assets.

16 The Administrative Claimant's filing of approximately 780
17 claims, within a short time frame, has resulted in an
18 unprecedented number of referrals of administrative forfeiture
19 matters to United States Attorney's Offices for consideration of
20 commencing judicial forfeiture actions. The Administrative
21 Claimant's claims have been referred, or are in the process of
22 being referred, to more than 50 United States Attorney's
23 Offices. Given the scope of the claims submitted by the
24 Administrative Claimant, any response the United States makes in
25 this District is likely to impact litigation in other districts
26 across the country. This unusually high volume of cases referred
27 as a result of Administrative Claimant's claims will therefore
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1 take additional time to review—especially as to whether
2 Administrative Claimant has a legally cognizable interest in
3 each of the Subject Assets that they have claimed.

4 The United States is also engaging in discussions with
5 Administrative Claimant regarding a potential resolution to
6 their claims as to each of the Subject Assets.

7 As set forth in the Agreement to Extend the Filing
8 Deadline, which is attached as Attachment B, Administrative
9 Claimant and the United States have agreed to extend the time
10 within which the United States may timely file a judicial
11 forfeiture proceeding against the Subject Assets to give the
12 parties sufficient time to try to resolve these matters before
13 the United States files or declines to file any such a judicial
14 forfeiture action. Attachment B, ¶ 5.

15 Specifically, Administrative Claimant has knowingly,
16 intelligently, and voluntarily given up any right they may have
17 under Title 18, United States Code, Section 983(a)(3)(A)-(B) to
18 require the United States to file a judicial forfeiture against
19 the properties on or before the deadlines referenced in
20 paragraphs 9-10, and any right that they may have to seek
21 dismissal of any civil judicial complaint on the ground that it
22 was not timely filed. Id., ¶ 6.

23 The Administrative Claimant has further agreed to extend
24 the deadline by which the United States may timely file a
25 judicial forfeiture against any of the Subject Assets until
26 February 29, 2024. Id., ¶ 8.
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1 Under Title 18, United States Code, Section 983(a)(3)(A),
2 "a court in the district in which the civil forfeiture complaint
3 will be filed may extend the period for filing a complaint for
4 good cause shown or upon agreement of the parties." 18 U.S.C. §
5 983(a)(3)(A).

6 Based upon the agreement between the United States and the
7 Administrative Claimant and for good cause shown, the United
8 States respectfully requests that the Court enter an order,
9 consistent with the United States' agreement with Administrative
10 Claimant, that extends through February 29, 2024, the period
11 within which the United States may timely file a judicial
12 forfeiture proceeding against any or all of the Subject Assets.
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14 DATED: December 6, 2023

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